

04.05.2022
Court No. 19
Item no.11
CP

WPA 20966 of 2021

Maa Bolla Self Help Group & anr.
Vs.
The State of West Bengal & ors.

Mr. Sajal Kanti Bhattacharyya
Mr. Sarthak Burman

....for the petitioners.

Mr. Biswajit De
Md. Zakir Hossain

....for the State.

The petitioner no. 1 is a registered self help group and the petitioner no. 2 is the group leader.

Allegation is that the leasehold right of a pond within the jurisdiction of Dakshin Dinajpur Zilla Parishad (hereinafter referred to as 'the Zilla Parishad'), for cultivation of fish at Dag No. 325, Mouza – Surhar had been granted to the respondent nos. 10 and 11 without calling for auction in accordance with the rules.

It is submitted that the notice for holding auction of the said pond was not published widely and, as such, the petitioners could not participate. The petitioners are aggrieved by such fact and also because being the existing lease holder, their rightful claim to cultivate fish in the said pond has been denied by the authorities.

The entire writ petition has been based on the assertion that the petitioners are the existing lessees and some of outsiders have been given the lease, thereby depriving the existing leasehold right of the petitioners.

The Block Development Officer, Harirampur Dev Block, has filed a report, inter alia, stating that the petitioner no. 1 did not have any leasehold right over the pond. The said pond was never leased to the petitioner no. 1. The petitioners had forcefully occupied the property without any authority of law. The notification with regard to auction was issued by the Additional District Magistrate (Land Reforms), Dakshin Dinajpur on September 8, 2021 for leasing out the said pond at Jatahar, Mouza – Surahar. The notice was displayed in the office of the Harirampur Block and Zilla Parishad for general awareness and publicity. The report of the Block Development Officer is taken on record.

The writ petition does not deserve to be considered on merits as the petitioners have not been able to satisfy the court from the records annexed, that the lease had been granted to the petitioner no.1 in respect of the said pond by the Zilla Parishad. Moreover, the respondent nos. 10 and 11 had been granted the lease sometime in 2021 and they have been functioning. In view of the aforementioned facts

nothing survives to be decided in the writ petition.
The writ petition suffers from misrepresentation.

The writ petition is accordingly disposed of in view of the incorrect submissions made by the petitioners and also because the court does not find that respondents have either violated or infringed any legal or fundamental right of the petitioners.

The writ petition is, thus, disposed of. There shall be no order as to costs.

Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)